

1 ARIEL E. STERN, ESQ.
2 Nevada Bar No. 8276
3 DARREN T. BRENNER, ESQ.
4 Nevada Bar No. 8386
5 JESSE A. RANSOM, ESQ.
6 Nevada Bar No. 13535
7 AKERMAN LLP
8 1160 Town Center Drive, Suite 330
9 Las Vegas, NV 89144
10 Telephone: (702) 634-5000
11 Facsimile: (702) 380-8572
12 Email: ariel.stern@akerman.com
13 darren.brenner@akerman.com
14 jesse.ransom@akerman.com

15 *Attorneys for the Bank of New York Mellon f/k/a
16 The Bank of New York, as Trustee for the
17 Certificateholders CWALT, Inc., Alternative Loan
18 Trust 2006-OA21, Mortgage Pass-Through
19 Certificates, Series 2006-OA21*

20 **UNITED STATES DISTRICT COURT
21 DISTRICT OF NEVADA**

22 THE BANK OF NEW YORK MELLON FKA
23 THE BANK OF NEW YORK, AS TRUSTEE
24 FOR THE CERTIFICATEHOLDERS CWALT,
25 INC., ALTERNATIVE LOAN TRUST 2006-
26 OA21, MORTGAGE PASS-THROUGH
27 CERTIFICATES, SERIES 2006-OA21,

28 Plaintiffs,

vs.

SOUTHERN HIGHLANDS COMMUNITY
ASSOCIATION; GREY SPENCER DR TRUST;
ALESSI & KOENIG, LLC,

Defendants.

Case No.: 2:16-cv-00523-JCM-CWH

STIPULATION AND ORDER OF
DISMISSAL WITHOUT PREJUDICE AS
TO ALL CLAIMS AGAINST SOUTHERN
HIGHLANDS COMMUNITY
ASSOCIATION

1 GREY SPENCER DR TRUST,

2 Counterclaimant,

3 vs.

4 THE BANK OF NEW YORK MELLON FKA
5 THE BANK OF NEW YORK, AS TRUSTEE
6 FOR THE CERTIFICATEHOLDERS CWALT,
7 INC., ALTERNATIVE LOAN TRUST 2006-
8 OA21, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-OA21,

9 Counterdefendant.

10 Plaintiff the Bank of New York Mellon f/k/a The Bank of New York, as Trustee for the
11 Certificateholders CWALT, Inc., Alternative Loan Trust 2006-OA21, Mortgage Pass-Through
12 Certificates, Series 2006-OA21 (**BNYM**) and defendant Southern Highlands Community Association
13 (**Southern Highlands**) through their respective counsel, stipulate as follows.

14 1. All claims asserted by BNYM against Southern Highlands will be dismissed without
15 prejudice, each side to bear its own fees and costs.

16 2. Should BNYM prevail on its claim against defendant Grey Spencer Dr Trust (**Grey**
17 **Spencer**) pursuant to *Bourne Valley Court Tr. v. Wells Fargo Bank, N.A.*, 832 F.3d 1154 (9th Cir.
18 2016), cert. denied 582 U.S. --- (June 26, 2017), and obtain a judgment preserving its interest in the
19 deed of trust at issue in BNYM's complaint, upon the exhaustion of all appeals, the dismissal of the
20 claims against Southern Highlands will become "with prejudice."

21 3. Should BNYM not prevail on its claim against Grey Spencer, upon the exhaustion of all
22 appeals, BNYM will have six months from the date of any such final order to reinitiate claims against
23 Southern Highlands. Should BNYM not reinitiate its claims against Southern Highlands in that time
24 period, the dismissal of the claims against Southern Highlands will become "with prejudice."

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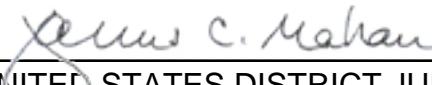
1 4. Any statute of limitations on any and all claims against Southern Highlands shall be
2 tolled from the date the complaint was filed, on March 9, 2016, until the expiration of the six-month
3 period described in the preceding paragraph.

4 Dated this 21st day of July, 2017.

5 ALVERSON, TAYLOR, MORTENSEN & SANDERS	6 AKERMAN LLP
7 <i>/s/Kurt R. Bonds, Esq.</i>	8 <i>/s/ Darren T. Brenner, Esq.</i>
9 KURT R. BONDS, ESQ. Nevada Bar No. 006228 6605 Grand Montecito Parkway Suite 200 Las Vegas, Nevada 89149 Telephone: (702) 384-7000	10 DARREN T. BRENNER, ESQ. Nevada Bar No. 8386 JESSE A. RANSOM, ESQ. Nevada Bar No. 13535 AKERMAN LLP 11 1160 Town Center Drive, Suite 330 Las Vegas, Nevada 89144
12 <i>Attorney for Defendant Southern Highlands Community Association</i>	13 <i>Attorneys for Plaintiff</i>

14 **ORDER**

15 **IT IS SO ORDERED.**

16 
17 _____
18 UNITED STATES DISTRICT JUDGE

19 October 3, 2017
20 DATED: _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 28th day of September, 2017, service of the foregoing
STIPULATION AND ORDER OF DISMISSAL WITHOUT PREJUDICE AS TO ALL
CLAIMS AGAINST SOUTHERN HIGHLANDS COMMUNITY ASSOCIATION, was made
pursuant to FRCP 5(b) and electronically transmitted to the Clerk's Office using the CM/ECF system
for filing and transmittal to all interested parties.

ALVERSON, TAYLOR, MORTENSEN & SANDERS

KURT R. BONDS, ESQ.

Nevada Bar No. 006228

6605 Grand Montecito Parkway

Suite 200

Las Vegas, Nevada 89149

Telephone: (702) 384-7000

Attorney for Defendant Southern Highlands Community Association

Attorneys for Southern Highlands Community Association

Michael F. Bohn

Law Office of Michael F. Bohn

376 East Warm Springs Rd., Ste. #140

Las Vegas NV 89119

Las Vegas, NV
702-642-3113

Fax: 702 642 9766

Email: mbohn@bohnplayfirm.com

Attorney for Grey Spencer Trust

/s/ Jill Sallade

An employee of AKERMAN LLP